

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Former Nextel Communications, Inc)	
Upper 700 MHz Guard Band Licenses)	WT Docket No. 06-169
And Revisions to Part 27 of the)	
Commission's Rules)	
)	
Development of Operational, Technical and)	
Spectrum Requirements for Meeting)	WT Docket No. 96-86
Federal, State and Local Public Safety)	
Communications Requirements)	
Through the Year 2010)	

COMMENTS OF APCO INTERNATIONAL

The Association of Public-Safety Communications Officials-International, Inc. ("APCO") hereby submits the following comments in response to the Commission's *Notice of Proposed Rulemaking*, FCC 06-133, released September 8, 2006, ("NPRM") in the above-captioned proceedings.

APCO is the nation's oldest and largest public safety communications organization. Founded in 1935, APCO has 16,000 members, most of whom are state or local government officials involved in the management and operation of communications systems for police, fire, emergency medical, forestry conservation, highway maintenance, homeland security, and other critical public safety agencies. APCO is a certified frequency coordinator for Part 90 Public Safety Pool channels, and appears regularly before the FCC on a wide variety of matters related to public safety communications.

APCO is a member of the Governing Board of the National Public Safety Telecommunications Council (“NPSTC”), and fully supports NPSTC’s separate comments in response to the *NPRM*.

A threshold issue in this proceeding concerns the Broadband Optimization Plan proposed by Access Spectrum *et al.*¹ On July 31, 2006, APCO, along with other public safety organizations, submitted a letter to the Commission indicating that the “Plan includes elements that could increase the amount of spectrum available for public safety use and provide for more efficient spectrum utilization.”² However, the letter also pointed out that the Plan should only be considered if solutions were found for two critical issues created by Plan’s shift in the public safety narrowband channel allotments. Specifically, the letter expressed concern with (i) the imbedded base of dual band 700/800 MHz radios that could require reprogramming and impose costs on public safety agencies, and (ii) the impact on border regions where continued Canadian television allocations could block much of the modified narrowband channel allotment.

On October 4, 2006, Motorola submitted an *ex parte* letter and slide presentation to the Commission indicating that its dual band radios can operate in the revised narrowband allotment without a change in hardware or firmware.³ Motorola further

¹ See *NPRM* at ¶42.

² Letter from Association of Public-Safety Communications Officials-International, Inc., International Association of Chiefs of Police, International Association of Fire Chiefs, Major Cities Chiefs Association, Major County Sheriffs’ Association, and National Sheriffs’ Association to Catherine Seidel, Acting Chief, Wireless Telecommunications Bureau, WT Docket Nos. 96-86 (July 31, 2006).

³ Letter from Steve B. Sharkey, Motorola, WT Dockets Nos. 96-86, 06-150 and 06-169 (dated October 4, 2006).

stated that most of the dual band radios deployed to date are currently programmed only for 800 MHz channels. Since 700 MHz band deployment of those radios would require code plug programming in any event, there would be little or no incremental cost associated with the change in the band plan.

However, APCO continues to be concerned about those dual band radios that have already been deployed on 700 MHz channels. There are an unknown number of such radios now operating in areas unaffected by incumbent broadcast stations (*e.g.*, in Idaho), in most cases on state-wide licenses issued pursuant to Section 90.529 of the Commission's rules. These radios would presumably require re-programming, which may involve "touching" radios deployed in the field.⁴ Access Spectrum, *et al.* must address the costs of such reprogramming.

As to the Canadian border issue, we understand that a task force of interested parties has been working diligently on that problem, and that a viable solution may be forthcoming. We expect to address that issue further in reply comments.

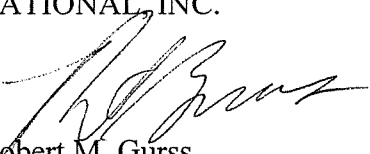
⁴ APCO's understanding is that reprogramming of Motorola's dual band radios would require touching each unit, while M/A-COM radios could be reprogrammed "over-the-air."

Therefore, for the reasons discussed above and in the comments of NPSTC,⁵ APCO believes that the Broadband Optimization Plan should be considered, provided that the remaining equipment and border issues are quickly resolved.

Respectfully submitted,

ASSOCIATION OF PUBLIC-SAFETY
COMMUNICATIONS OFFICIALS-
INTERNATIONAL, INC.

By:



Robert M. Gurss
Director, Legal & Government Affairs
1725 DeSales Street, NW, Suite 808
Washington, DC 20036
(202) 833-3800

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⁵ The NPSTC comments address additional issues raised by the Broadband Optimization Plan, such as Guard Band technical and operational limitations.